

Feds seek to protect sacred sites on US lands

Agency efforts to focus on Indigenous locations

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Eight federal agencies announced a new deal to coordinate efforts to protect Indigenous sacred sites, strengthening protections in an area where advocates have long said the government has fallen short.

The agencies will work to provide Native peoples more access and comanagement of those sites, which include better protection for sites such as Red Butte, a Havasupai site just south of the Grand Canyon, and enhanced co-management of the Grand Canyon National Park, according to a memorandum of understanding obtained by The Arizona Republic.

Bryan Newland, assistant secretary for Indian affairs, first publicly disclosed the new plan with a group of tribal leaders during the White House's Tribal Nations Summit on Tuesday.

The Biden administration is committed to protecting and preserving

sacred places, said Newland, an Ojibwe and a citizen of the Bay Mills Indian Community. "Our new sacred sites agreement demonstrates this commitment."

"Since time immemorial, the Earth's lands and waters have been central to the social, cultural, spiritual, mental, and physical wellbeing of Indigenous peoples. It is essential that we do everything we can to honor sites that hold historical, spiritual or ceremonial significance," said Interior Secretary Deb Haaland, a member of the Laguna Pueblo, in a statement.

She added that the Interior Department is committed to both protecting sacred sites and collaboration with Indigenous communities on access and stewardship issues.

The new agreement expands on an earlier agreement enacted in 2012.

In addition to the Interior Department, the signatory agencies are the U.S. Departments of Agriculture, Transportation and Energy, the Environmental Protection Agency, the White House Council on Environmental Quality, the Advisory Council on Historic Preservation, and the Tennessee Valley Authority. The Transportation Department, the environmental quality council and the Tennessee Valley Authority are the three new agencies. The Defense Department, which was part of the older agreement, is not included in the new partnership.

The new agreement calls for the agencies to consult with tribes much earlier while evaluating projects on federal lands. Agency heads also agreed to incorporate the use of traditional ecological knowledge, known as TEK, when crafting new best practices guidance to manage and protect sacred sites. Provisions of the

2012 agreement, such as educating the public on the importance of protecting sacred sites and building interagency cooperation in site protections on federal lands were carried over to the new partnership agreement.

Federal agencies have a duty to protect Native sacred sites, according to the Advisory Council on Historic Preservation.

In August, The Arizona Republic published a six-part series on the legal and bureaucratic hurdles tribes encounter when seeking to protect sacred and culturally important sites on public lands. One of the biggest complaints The Republic heard from tribal leaders, cultural practitioners and experts was that consultation with tribes rarely happened in time to make any substantive changes or to develop a project plan that all parties could live with, and that would avoid damaging sacred or culturally important sites.

“In recent years, tribal sacred sites have been under attack by a disregard for the laws meant to protect these ancient places,” said Maria Dadgar, executive director of the Inter Tribal Association of Arizona. “These sites ... serve as the foundation of our existence as Indigenous People.” Dadgar, an enrolled member of the Piscataway Tribe of Accokeek, Maryland, said the administration’s new sacred sites memorandum will create a stronger framework around efforts to protect these sites.

“Consultation with tribes will take place much earlier in the federal decision- making process,” she said, “and a stronger commitment to incorporating Indigenous knowledge to help assess the impact of federal actions on sacred sites will also lead to much improved outcomes in the effort to protect tribal sacred sites.”

One Arizona project that will impact a Native sacred site won’t be subject to the new directive: Oak Flat. The proposed copper mine at one of the Apache peoples’ most sacred sites about 60 miles each of Phoenix was authorized through a 2014 congressional bill.

“This is the epitome of hypocrisy,” said Robin Silver, co-founder of the Center for Biological Diversity, which has supported grassroots group Apache Stronghold and the San Carlos Apache Tribe in their efforts to defeat the land deal.

Apache Stronghold sued to reverse the legislation, saying its First Amendment religious freedom rights were violated. The case is currently awaiting a ruling by the 9th Circuit Court of Appeals.

The Justice Department has argued that even the complete destruction of Oak Flat would not pose a substantial burden on Apache religious practices and that the federal government has the right to use lands it controls as it sees fit.

“The Biden Justice Department is arguing that traditional Apaches’ ability to practice their religion is not a ‘burden,’” Silver said. “Their new proposal is like a ‘Saturday Night Live’ skit.”

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Canyon Mine, a uranium mine located 6 miles southeast of Tusayan on the Kaibab National Forest, is pictured in October 2018. MARK HENLE/THE REPUBLIC

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